



LEGISLATIVE FISCAL OFFICE  
Fiscal Note

Fiscal Note On: **HB 609** HLS 10RS 426  
Bill Text Version: **ENROLLED**  
Opp. Chamb. Action:  
  
Proposed Amd.:  
Sub. Bill For.:

<b>Date:</b> June 21, 2010	12:34 PM	<b>Author:</b> WHITE
<b>Dept./Agy.:</b> Corrections		
<b>Subject:</b> Home invasion		<b>Analyst:</b> Matthew LaBruyere

CRIME

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Provides with respect to the crime of home invasion

The proposed legislation retains present law (R.S 14:62.8(B)(2)) and requires that the sentence of 10 to 25 years shall be served at hard labor.

The proposed legislation retains present law (R.S. 14:2(B)) and adds the crime of home invasion to the list of crimes of violence.

EXPENDITURES	2010-11	2011-12	2012-13	2013-14	2014-15	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

REVENUES	2010-11	2011-12	2012-13	2013-14	2014-15	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The proposed legislation will result in an increase in state general fund expenditures in future fiscal years beyond the fiscal note horizon in the table above. The exact fiscal impact from passage of this legislation is indeterminable since it adds home invasion to the list of crimes of violence and it is not known how many people will be convicted of this crime.

By clarifying the penalty for the crime of home invasion when there is a person present under the age of 12, 65 years or older, or who has a developmental disability as a felony and adding "at hard labor", the offender must now be incarcerated at a state facility. Under present law, which does not specify "with or without hard time", the offender can be incarcerated at a local facility or at a state facility. The cost of incarceration at a state facility is \$54.49 per day per offender and the cost of incarceration at a local facility is \$24.39 per day per offender. A difference of \$30.10 per day (\$54.49 per day - \$24.39 per day). The LFO assumes the proposed legislation is prospective and would apply to future home invasion convictions.

By adding home invasion to the list of crimes of violence, the offender will serve 85% of the sentence imposed to be eligible for parole. A nonviolent offender must serve 50% of his sentence to be eligible for parole. An offender that serves longer than the minimum mandatory sentence would be eligible for parole after serving 85% of his imposed sentence. For illustrative purposes, an offender sentenced to 20 years for this crime under present law would be eligible for parole after serving 10 years (50% of his sentence). Under the proposed legislation, an offender sentenced to 20 years for this crime would eligible for parole after serving 17 years (85% of his sentence). The additional years of incarceration would increase state general fund expenditures by \$139,223 (\$19,889 per year in a state facility x 7 years).

According to the Department of Corrections, there is currently 1 offender incarcerated for home invasion with a sentence length of 5 years.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.